

NATURALIZATION AND CITIZENSHIP.

JANUARY 12, 1921.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany H. R. 15603.]

The Committee on Immigration and Naturalization of the House of Representatives reports H. R. 15603, a bill to amend the naturalization laws of the United States, and recommends its passage.

The bill makes numerous amendments to present naturalization laws. These changes are explained in a synopsis which is made a part of this report.

H. R. 15603 is an omnibus naturalization and citizenship bill. Its sections embrace provisions of bills offered by 15 or more Members of the House.

One of the principal features of this bill is the one placing woman upon an equality with man in becoming naturalized and otherwise acquiring citizenship. By this bill an American woman shall retain her American citizenship after marriage to an alien if she continues to live in the United States. It is provided that a married woman of foreign birth may acquire American citizenship independently by complying with the general provisions of the naturalization law. The right to derive citizenship may be conferred by the mother as well as by the father.

The bill adopts the provisions of the act of June 5, 1920, which subjects to deportation and excludes from admission upon the soil of the United States those aliens who are anarchists or of anarchistic tendencies, and makes the provisions of that law equally grounds for exclusion from the sacred estate of United States citizenship. ✓

The principal provisions of this bill have been indorsed by many organizations including patriotic, civil, and political. ✓

HIGH STANDARDS OF ADMISSIBILITY.

This bill, while simplifying the law without in the slightest degree letting down any of the safeguards which now exist in admissions to citizenship, also proposes the establishment of a higher standard of

admissibility to citizenship within one year after it becomes a law. It does not lessen the present requirement that the alien shall be loyal and attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and that he shall be of good moral character, and shall speak the English language, but in addition it makes a new condition, that he shall also be able to read the English language. While requiring this additional evidence of worthiness for American citizenship, it affords greater facilities to the Bureau of Naturalization to render more effective the Americanization work that it has been conducting with the public schools throughout the United States for years and under specific authority heretofore given it by Congress, so that better facilities may be provided for the foreigner to qualify for citizenship upon this higher plane.

ADDITIONAL PROVISIONS.

Some other features of the bill are:

1. Permits witnesses to make affidavits in behalf of alien petitioners who have resided for more than five years in the State in which the petition is filed. One-fourth of the membership of the House has asked for such an amendment.
2. Leaves the prohibition against filing declarations of intention within 30 days prior to election in those four States where aliens vote on first papers, but removes it in all others.
3. Unifies soldier naturalization but does not let down proper restrictions in any particular.
4. Provides careful and uniform provisions concerning minor children.
5. Permits naturalization of those whose petitions lapsed on account of war conditions.
6. The bill is a revenue-producing measure.

RED TAPE REMOVED.

The measure proposes to remove certain technicalities in the naturalization law which the experience of the past 14 years has shown as serving no aid in safeguarding the admission to citizenship, but which have solely tended rather to increase the cost of administration of the law. These technicalities are overcome by removing the unnecessary and arbitrary prohibition upon the taking of depositions within the State in which the applicant resides, and by placing the petitioner for naturalization upon the same footing in court as any other litigant by providing for the amendment of the pleading in the naturalization proceeding.

CITIZENSHIP OF WIFE AND CHILDREN.

This bill provides the evidence of the citizenship of the wife of a naturalized citizen and clearly defines her status and that of the children of foreign-born parents. Each woman who has heretofore become a citizen by marriage or by the naturalization of her husband or father will be provided with legal evidence of her claim. It is most essential at this time when universal suffrage has been accom-

plished that the women who claim citizenship should have the right to legal evidence to support that claim.

Provisions of the bill place before every naturalized citizen the opportunity to secure legal evidence of his American citizenship, whether the citizen obtained that citizenship through the usual process of naturalization or whether that estate was derived through the act of the husband or father.

WILL PRODUCE REVENUE.

The naturalization fees deposited in the Treasury of the United States during the last fiscal year were \$664,539.20. The provisions of this bill permitting women to acquire citizenship independently will cause an increase of probably 75 per cent in the naturalization fees, making an increase of approximately \$500,000 annually, or a total of over \$1,150,000 annually to the miscellaneous receipts of the United States Treasury from operation of the naturalization law. Since the naturalization act of 1906 became operative 1,256,860 certificates of naturalization were issued up to the end of the last fiscal year. The testimony of the director of citizenship before the committee showed that for every certificate of naturalization issued there are also 1.125 on an average who derive citizenship through the act of the petitioner and in addition to the petitioner. This makes something over 1,400,000 prospective applicants under the act of 1906 for the certificate of United States citizenship provided by this bill. The fee of \$2 required to be paid for each such certificate will cause approximately \$1,400,000 to be deposited in the United States Treasury from the one-half due the Government. There will, in all probability, be as many, if not a larger number of, applicants for this certificate who derived citizenship prior to the act of 1906 through the husband or father. From both sources probably over \$2,800,000 from such fees will be deposited in the Treasury.

The measure promises, therefore, an increase of receipts of around \$3,300,000, with an annual increase of approximately \$500,000 over past receipts.

SYNOPSIS OF H. R. 15603.

Page 2, line 1, to page 4, line 2, require every alien in the declaration of intention to make solemn oath that he is not a polygamist or anarchist, and by the language commencing on page 2, line 18, to page 4, line 2, is not a member of or affiliated with any such anarchistic organization as described in section 8, commencing on page 10 at line 22.

Page 4, lines 3 to 18, remove the prohibition against filing declarations of intention within 30 days before election except as to the four States which allow aliens to vote on first papers, contain the provision to be repealed, and also saves declarations heretofore made through ignorance of the provision in those States where aliens are not allowed to vote.

Page 4, line 19, section 2: This section requires all aliens to make the same disavowal in every petition for naturalization filed after 90 days after the passage of the act that is required in the new declaration of intention.

Page 5, line 6, section 3: The first paragraph reenacts the present fourth subdivision in such form that the alien will be ineligible to

petition until he has resided continuously within the United States for five years immediately preceding the filing of his petition. The wording is intended to make this a jurisdictional matter so that if a court is disposed to make an improper construction of the naturalization law as to residence it will be without jurisdiction to admit the alien. Section 2170 of the Revised Statutes provides:

No alien shall be admitted to become a citizen who has not for a continued term of five years next preceding his admission resided within the United States.

This section of the Revised Statutes has been embodied in the main naturalization law at this point in collecting all provisions within one act, and is repealed on page 28, line 23.

Page 5, line 24, to page 6, line 9: This paragraph relieves aliens in the employ of the United States Government, under certain circumstances, from showing five years' continuous residence within the United States.

Page 6, lines 10 to 18, section 4, deals with the right of the widow and minor children to use the declaration of intention of the husband and father who dies before naturalization.

Page 6, line 19, to page 7, line 8, section 5, authorizes aliens, except enemy aliens, who in the past have believed themselves in good faith to be citizens of the United States and who have exercised the rights and performed the duties of citizens to complete their naturalization without making the usual declaration of intention.

Page 7, lines 9 to 11, section 6, adds three new subdivisions to section 4 of the act of 1906.

Page 7, lines 12 to 15, confer the right of independent naturalization upon women whether married or single.

Page 7, line 16, to page 8, line 12, extends special exemptions to aliens who served in the military or naval forces of the United States during the World War if they were honorably discharged.

Page 8, line 13 to page 9, line 18, exempts aliens from proving continuous residence in the United States who went out of the United States between August 1, 1914, and November 11, 1918, and entered the military or naval service of any country at war with a country with which the United States during that period became engaged in war. Such alien declarants are not required to renew their declarations of intention. Those not having declared their intention to become citizens are permitted to become naturalized two years after readmission to the United States and making such declaration.

Page 9, line 19, to page 10, line 21, section 7, amends the naturalization law so that a petitioner for naturalization may have the same right to amend his pleadings that are given other petitioners to the courts.

Page 10, line 22, to page 13, line 3, section 8, excludes from admission to citizenship the anarchists and those having anarchistic tendencies who have been excluded from admission into the United States or are subject to deportation therefrom under the act of June 5, 1920.

Page 13, lines 4 to 15, section 9, amends section 8 of the present law by adding the requirement to read the English language in all cases one year after the passage of the act, and by making no exceptions to the requirement to speak English.

Page 13, line 16, to page 14, line 19, section 10, permits the taking of depositions to prove residence within the State. The present law

permits the proof of residence by deposition only when the residence has been in two or more States.

Page 14, line 20, to page 25, line 9, section 11, sets forth the forms of the declaration of intention, petition for naturalization, and certificate of naturalization hereafter required to comply with the new excluding provisions of this bill contained in section 8, commencing on page 10 at line 22.

Page 25, line 10, to page 34, line 9, section 12, deals with the effect of marriage and naturalization upon the citizenship of the wife and children, adding nine new sections to the naturalization law.

Page 25, lines 12 to 17, declare that an alien woman shall not acquire United States citizenship by marriage to a citizen or by the naturalization or the resumption of citizenship by her husband.

Page 25, line 18, to page 26, line 3, declare that those who have heretofore acquired United States citizenship by marriage to a citizen or by the naturalization or resumption of citizenship by the husband shall retain their United States citizenship so long as they continue to reside in the United States, but gives them the right to renounce their previously acquired American citizenship.

Page 26, lines 6 to 15, provide that a child heretofore or hereafter born out of the United States of alien parents may derive citizenship during minority through the naturalization of or resumption of citizenship by either parent. The procedure will be found on page 26, line 21, to page 27, line 21, and page 28, lines 1 to 18.

Page 26, lines 16 to 20, extends the privilege of acquiring citizenship to children born abroad of an American mother, and to children born abroad whose father is a citizen but who are excluded by the portion of section 1993 of the Revised Statutes in *italics*. That section provides:

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; *but the rights of citizenship shall not descend to the children whose fathers never resided in the United States.*

Those excluded by this section may acquire citizenship by taking up a permanent residence during minority in the United States and complying with the other provisions of subdivisions 3 (p. 26, line 21) and 7 (p. 28, line 3).

Page 26, line 21, to page 27, line 2, and page 28, lines 1 to 18, contain the procedure for acquiring such citizenship.

Page 27, lines 3 to 16, permit children living in the United States to acquire citizenship when adopted by citizens residing in the United States.

Page 27, lines 17 to 19, exclude married alien females from deriving citizenship through either parent.

Page 27, lines 20 to 24, exclude children from the privilege of acquiring citizenship if the parent becomes expatriated.

Page 28, lines 1 to 22, with method on page 26, line 21, to page 27, line 21, prescribe the procedure for those who wish to derive citizenship other than by direct naturalization for the issuance of certificates of citizenship to these, and the fee to be paid.

Page 28, line 23, to page 29, line 3, repeal those laws that have been assembled in section 33, and prevent the disturbance of citizenship rights heretofore acquired.

Page 29, lines 4 to 6, make presumptive expatriation applicable to those deriving citizenship.

Page 29, lines 7 and 8, prevent step-parents from conferring the right to derive citizenship.

Page 29, line 9, to page 30, line 8, provide evidence of citizenship for those who have heretofore acquired citizenship by derivation.

Page 30, lines 9 to 20, provide for the proper accounting of the fees authorized to be collected, and for certificates of citizenship to American Indians who are citizens of the United States.

Page 30, line 21, to page 33, line 20, set forth the citizenship certificate forms.

Page 33, line 21, to page 34, line 9, make the penal provisions relating to certificates of naturalization equally applicable to the certificates of citizenship authorized by this act, and recommend an appropriation.

Page 34, line 12, to page 35, line 17, section 13, prevents American women from losing their citizenship upon marriage, so long as they remain residents within the United States, declare that a nonresident American woman who marries an alien shall cease to be a citizen, and prescribe the other conditions under which marriage to an alien shall work a forfeiture of citizenship. The applicable section of the act of March 2, 1907, is repealed.

Page 35, line 18, to page 36, line 13, section 14, adds another subdivision to section 4 of the present naturalization law to provide for the naturalization of a woman who has ceased to be a citizen through marriage to an alien. It also makes the provisions of presumptive expatriation applicable to a woman that apply similarly to a man.

Page 36, line 14, to page 37, line 4, section 15, validates certain declarations of intention and petitions for naturalization that are the basis of certain homestead desert land and timber and stone entries, to prevent the loss of such entries to the entrymen heretofore making the declarations of intention and petitions for naturalization referred to.

Page 37, line 5, to page 38, line 25, section 16: The naturalization act of May 9, 1918, authorized the promotion of instruction and training of aliens in citizenship responsibilities by the public schools. This work is carried on by the director of citizenship through the division of citizenship training, in over 3,000 communities found in every State in the Union and in Alaska, Hawaii, and Porto Rico. Under the authority of this section it will be the duty of the director of citizenship to disseminate information regarding the institutions of the United States in such manner as will best stimulate loyalty thereto. Among the first things he will do under this authority will be to bring to the attention of the public schools throughout the United States the new provisions for excluding from citizenship all those having sympathies with anarchistic doctrines and to see that these requirements are taught to all foreigners seeking citizenship, and to all others.

Page 39, lines 1 to 15, section 17, permits the rehearing of petitions for naturalization of aliens whose petitions were based upon declarations of intention made prior to September 27, 1906, and were pending December 31, 1918. The act of May 9, 1918, extended the validity of these declarations of intention to December 31, 1918. Through no fault of the petitioners certain of these petitions failed to be heard within the time limit.